

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

**FAIRBANKS CAPITAL CORP., AS  
SERVICER FOR BANK ONE, N.A. F/K/A  
THE FIRST NATIONAL BANK OF  
CHICAGO, AS TRUSTEE UNDER THE  
POOLING AND SERVICING  
AGREEMENT DATED AS OF  
SEPTEMBER 1, 1998, SERIES 1998-B,**

**Plaintiff,**

**v.**

**JAMES MORIN, NANCY MORIN AND  
THERESA MORIN, UNITED STATES OF  
AMERICA AND VERIZON YELLOW  
PAGES COMPANY F/K/A BELL  
ATLANTIC YELLOW PAGES CO. F/K/A  
NYNEX INFOR,**

**Defendant.**

**Civil Action No. 04-10146-MLW**

**Formerly  
No. 294558  
Suffolk County Land Court**

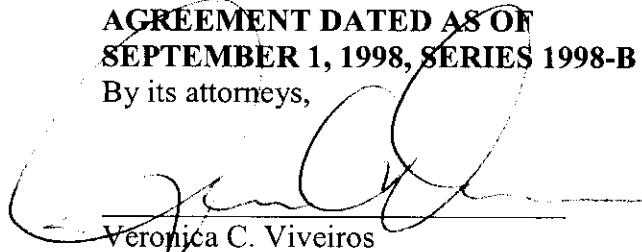
**MOTION TO REMAND CASE TO LAND COURT**

Now comes the Plaintiff, Fairbanks Capital Corporation, as Servicer for Bank One, N.A. f/k/a The First National Bank of Chicago, as Trustee under the Pooling and Servicing Agreement dated as of September 1, 1998, Series, 1998-B, and hereby moves that given the Disclaimer of Interest filed by the United States of America and its Motion to Dismiss the United States as a party, there is no longer proper jurisdiction in the United States District Court.

Plaintiff respectfully requests that the matter be remanded to the Land Court in Suffolk County where it was originally filed. No conference is necessary given the United States' Motion to Dismiss itself as a party to this case.

Signed under the Penalties of Perjury, this 11 day of March 2004.

Respectfully submitted,  
**FAIRBANKS CAPITAL CORP., AS  
SERVICER FOR BANK ONE, N.A.  
F/K/A THE FIRST NATIONAL BANK  
OF CHICAGO, AS TRUSTEE UNDER  
THE POOLING AND SERVICING  
AGREEMENT DATED AS OF  
SEPTEMBER 1, 1998, SERIES 1998-B**  
By its attorneys,

A handwritten signature in black ink, appearing to read 'Veronica C. Viveiros', is written over a horizontal line.

Veronica C. Viveiros  
BBO #631233  
David M. Rosen  
BBO #552866  
HARMON LAW OFFICES, P.C.  
P.O. Box 610389  
Newton Highlands, MA 02461-0389  
(617)558-8500

**IN THE UNITED STATES DISTRICT COURT FOR THE  
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**FAIRBANKS CAPITAL CORP., AS  
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**CERTIFICATE OF SERVICE**

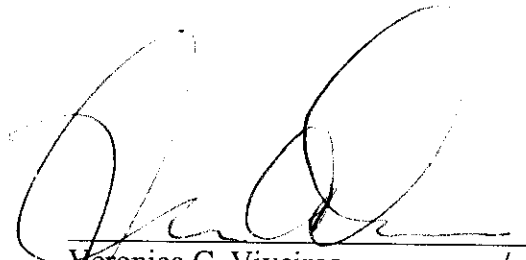
I hereby certify that on this day I have notice of the filing of the MOTION TO REMAND  
CASE TO THE LAND COURT by mailing a copy of the same, postage prepaid, first-class mail  
to:

James Morin, Nancy Morin  
and Theresa Morin  
256 Lynnfield Street  
Peabody, MA 01960

Verizon Yellow Pages Co.  
c/o CT Corporation Systems  
101 Federal Street, Suite 300  
Boston, MA 02110

Lydia D. Bottome  
U.S. Department of Justice  
P.O. Box 55

Ben Franklin Station  
Washington, D.C. 20044



Veronica C. Viveiros  
BBO #631233

*03/11/04*

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March 11, 2004

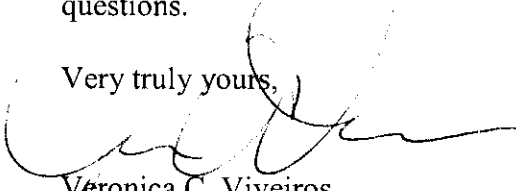
United States District Court  
The District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

**RE: Fairbanks Capital Corporation v. James Morin et al.**  
**Civil Action No. 04-10146-MLW**  
**Formerly Land Court No. 294558**

Dear Sir or Madam:

Enclosed for filing please find the Motion to Remand Case to Land Court and the Certificate of Service in connection with the above-referenced case. Please feel free to contact me with any questions.

Very truly yours,

  
Veronica C. Viveiros  
VCV:mmj  
Enclosures